

State rules Foust has a conflict



FOUST

Can no longer vote on salt ponds

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Redwood City Council Member Rosanne Foust violated state law by voting on the controversial salt ponds project, and if she does it again she could be fined up to \$5,000, the Fair Political Practices Commission said yesterday.

The commission found that Foust, in her role as council member, acted improperly when she voted on the ambitious development project that would build up to 12,000 homes on the salt ponds east of 101. That's because Foust is also the president and CEO of [See FOUST, page 47]

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"I feel good," said Cohen. "And I feel more than good."

Cohen took heat from Jim Hartnett, Foust's husband and a former Redwood City mayor, for filing the complaint. "Hartnett's made it personal," said Cohen.

Cohen sees it as a lesson

Cohen told the Post that the commission's findings should serve as a lesson to those who would turn politics into a personal vendetta.

The commission has closed the case because Foust consulted with Abrams. "The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct," warns the letter.

"(If the commission is) not doing anything because the city attorney made a mistake . . . (then) fine if that's what they are saying, I'll take responsibility," Abrams said.

But Foust won't be consulting with Abrams any longer. Pamela Thompson will assume the city attorney duties on Aug. 4. "That's something the new city attorney will be able to advise her on," said Abrams about any future conflicts-of-interest.

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San Mateo County Economic Development Association, or SAMCEDA, which endorsed the project.

The developers of the salt ponds project — DMB Associates and Cargill — are dues-paying members of SAMCEDA, according to the commission.

"I haven't talked with my lawyer yet about this letter," Foust told the Post. She added that once she talks to her lawyer she may be able to answer questions about the FPPC letter. "It's in the hands of our city attorney and I'm going to refer you to him," said Foust.

City attorney cleared Foust

Foust consulted Redwood City Interim City Attorney Roy Abrams before she voted to hire environmental consultants for the project at the May 24 council meeting. Abrams advised Foust that there wasn't a conflict.

The commission's letter stated SAMCEDA could see a financial gain because Foust's vote helped move the project further along. Doing so might encourage other developers to join SAMCEDA as dues-paying members if they see that endorsed projects have a greater chance of moving forward, said the letter.

The commission said Foust has a vested interest in SAMCEDA's financial success since she derives a salary from her role as president.

Was ruling political?

"We saw no financial effect at all on SAMCEDA," said Abrams. He said the commission's findings are inconsistent with previous cases because they are based on speculation and not fact.

"As a lawyer, I can't read this (letter) and help but think politics were at play here," said Abrams. But when asked to elaborate, Abrams refused.

The investigation was sparked after Andy Cohen, council member in nearby Menlo Park, filed a complaint last month with the commission.